



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 4, 1993

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Dept. of Public Safety
5805 N. Lamar Blvd.-Box 4087
Austin, Texas 78773-0001

OR92-680

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. art. 6252-17a. Your request was assigned ID# 16370.

The Crime Laboratory Division of the Texas Department of Public Safety (the department) received an open records request from a criminal defendant for all information regarding the defendant's conviction for operating an illegal drug laboratory. You have submitted to this office as responsive to the request inventories of items seized at the laboratory, diagrams of the laboratory, an "Evidence Record Sheet," "Controlled Substances Examination" tables, photographs of the seized items, and records reflecting the Crime Laboratory Division's analysis of seized substances. You contend the requested records come under the protection of the Open Records Act section 3(a)(8) because this information would be "extremely useful to individuals interested in setting up a clandestine drug lab" and "could be used to allow them to elude detection." You also express concern that the release of the requested information may "affect" other investigations.

Whether section 3(a)(8) applies to particular records depends on whether their release would "unduly interfere" with law enforcement or prosecution. Open Records Decision No. 434 (1986). However, when this section is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how the release of the information unduly would interfere with law enforcement. Open Records Decision No. 287 (1981). Although you claim that the release of the information at issue would allow other individuals who operate drug labs to elude detection, you do not explain, nor is it apparent to this office, why such would be the case. Nor have you explained in what manner the release of this information would unduly hamper any pending narcotics investigations. Accordingly, we find that you have not met your burden under section 3(a)(8), and the department therefore must release the requested documents in their entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-680.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kimberly K. Oltrogge", written in a cursive style.

Kimberly K. Oltrogge
Assistant Attorney General
Opinion Committee

KKO/RWP/lmm

Ref: ID# 16370
ID# 16535
ID# 16728

cc: Mr. Nasser Assed
52420-080 Box 1010
Bastrop, Texas 78602